

**JOINT MEMORANDUM OF UNDERSTANDING  
FEDERAL HIGHWAY ADMINISTRATION ALABAMA DIVISION  
FEDERAL TRANSIT ADMINISTRATION – REGION 4  
FOR ADMINISTRATION OF TRANSPORTATION PLANNING AND  
PROGRAMMING**

The Alabama Division of FHWA and FTA Region 4 have a history of cooperation and coordination in the delivery of the transportation planning program of the United States Department of Transportation (USDOT). This document serves to reinforce the good working relation of the two entities by providing the mechanisms necessary to facilitate better review and decision-making by the two agencies. This agreement is also being executed to respond to our partners and customers need for more streamlined, less duplicative Federal actions on the Statewide Transportation Improvement Program (STIP), Air Quality Conformity Determinations, the Unified Planning Work Program (UPWP), Planning Studies, CMAQ Eligibility, Transportation Management Area (TMA) Certifications, and Certification of the Statewide Transportation Planning Process. It is intended to enhance the already strong working relationship of the two agencies in their efforts to fulfill the mutual responsibility for transportation planning and programming of Federal funds. It is also meant to achieve maximum staff efficiencies through the reduction in multiple review and approvals.

The FTA Region 4 (hereby referred to as “FTA”) and the FHWA Alabama Division Office (hereby referred to as “FHWA”) mutually agree to the following procedures for transportation planning activities in the State of Alabama. The agreement will be evaluated on a basis no less frequently than biennially to ensure that the terms of the MOU meet the needs of all parties.

**I. Statewide Transportation Improvement Program (STIP) and Planning Findings**

**a. Background**

Section 135 of Title 23 USC established Federal requirements for statewide transportation planning. Regulations for implementing these requirements were published in the Federal Register on October 28, 1993. The regulations, 23 CFR 450 and 49 CFR 613, require that at least every two years the State will submit their proposed STIP to FTA and FHWA for joint approval prior to the obligation of Federal funds made available to the State under Title 23 and the Federal Transit Act, as amended. These regulations also require that the State include with their proposed STIP a certification that the transportation planning process (metropolitan and as well as statewide) is being carried out in accordance with the joint planning regulations.

**b. Procedures**

The State of Alabama will submit their proposed STIP or STIP amendment(s) to FHWA for review and approval. FHWA will forward a copy of the STIP to FTA and EPA, where appropriate, for concurrent review. The STIP shall be reviewed for compliance with the laws and regulations. The review should include, but not be limited to, air quality conformity, public involvement, fiscal constraint, inclusion of all Title 23 and Federal Transit Act, as amended funded projects including metropolitan and Federal Lands TIPs, and acceptability of the State's certification that the transportation planning process is being carried out in accordance with all applicable requirements. This certification is verified by FHWA and FTA through an annual review prepared before the STIP has been received. The review examines the planning processes at the state and metropolitan levels. The review is typically included as part of the planning finding and approval of the STIP. FHWA and FTA shall meet, video, or teleconference as necessary to discuss and resolve any comments relevant to providing the approval of the Alabama STIP and planning findings. A draft action letter will be prepared by FHWA and sent to FTA for signature. FHWA will forward the jointly signed action letter to ALDOT.

As amendments to an approved STIP are proposed by ALDOT, there is a need for timely actions in approving these amendments. For changes to the STIP that are singular in mode (i.e., an all highway or all transit amendment), the agency involved (FTA or FHWA) will have single authority to approve the amendment. Upon approval, a copy of the amendment action will be provided to the other agency for their information.

## **II. Air Quality Conformity Determinations for Long Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs) in metropolitan planning areas designated non-attainment or maintenance under the Clean Air Act**

### **a. Background**

Section 176(c) of the Clean Air Act established conformity requirements for LRTPs, TIPs, and projects in areas designated as non-attainment or maintenance. Section 176(d) of the Clean Air Act established priority requirements for programs supported by the Federal Government in order to provide for timely implementation of eligible portions of air quality plans. Section 109(j) of 23 USC established consistency requirements to assure that highways are consistent with approved plans for air quality.

### **b. Procedures**

FHWA will serve as Executive Agent for FTA for all actions, reviews, and meetings required to fulfill their mutual responsibility for Air Quality Conformity Determinations. FHWA will conduct preliminary reviews of conformity determinations for plans and TIPs and provide guidance to ALDOT and the

MPOs. When LRTP and/or TIP conformity determinations are completed by the MPOs, FHWA will normally receive sufficient copies of the conformity determinations along with the plans and/or programs and other pertinent documents and forward copies to FTA and EPA Region 4 for review and comment. EPA will normally have 30 days for review and comment.

FHWA will meet, video, or teleconference with EPA as necessary to resolve pertinent comments that may result from the concurrent reviews of FHWA and EPA. The FHWA Division Administrator and FTA Regional Administrator will make a conformity determination upon completion of the review by FHWA and resolution of any pertinent comments by EPA.

### **III. Review and Approval of Unified Planning Work Programs (UPWP)**

#### **a. Background**

Section 134 of 23 USC establishes Federal requirements for metropolitan transportation planning. The regulations for implementing these provisions are contained in 23 CFR 450 and 49 CFR 613 and include the requirement for submission of the UPWP.

#### **b. Procedures**

All UPWPs will be submitted by ALDOT to FHWA. FHWA will then forward one copy of each MPO's UPWP to FTA for their review. FTA and FHWA will have 30 days to review and reconcile comments before taking action.

FHWA will act as the Executive Agent for FTA for the review and approval of all the UPWPs in Alabama. FHWA shall consult with FTA on unusual or potentially controversial transit related studies. FTA will advise FHWA of any concerns within two weeks of receipt of the UPWP. FHWA will provide FTA with a copy of all UPWP approvals and correspondence. Any revision or amendment will be handled in a similar manner.

### **IV. Congestion Mitigation and Air Quality Program (CMAQ) Eligibility**

#### **a. Background**

CMAQ was established by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and has been continued by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) under 23 USC 149. Under 23 USC 104, each state is apportioned funding based on county populations residing with ozone and carbon monoxide non-attainment and maintenance areas and the severity of the area's problems. Currently 2 counties in Alabama are non-attainment areas for ozone. The proposed 8-hour ozone standards will change the number of areas that will be

eligible for CMAQ. FTA and FHWA, in cooperation with EPA, are responsible for determining if projects are eligible for funding with CMAQ.

b. Procedures

FHWA and FTA will follow the direction contained in the “Memorandum of Understanding: Consultation Processes for the Congestion Mitigation and Air Quality Program” signed by the former Region 4 Administrators of FHWA, FTA, and USEPA.

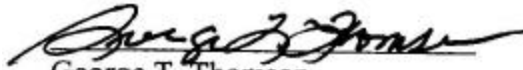
**V. Certification of each TMA’s Transportation Planning Process**

a. Background

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and carried on through the passage of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires a joint FHWA/FTA certification of the transportation planning process for all Transportation Management Areas (TMAs) every three years. A joint certification review, along with other documentation and site visits, is the basis used for determining that the transportation planning process in a TMA meets or substantially meets the requirements of 23 CFR Part 450.

b. Procedures

The certification reviews for all TMAs in Alabama will be a joint effort of the two agencies. The team will consist of FHWA and FTA personnel. If necessary, other technical expertise will be added to the team from Headquarters or FHWA Resource Centers. FHWA will assume the lead responsibilities for the conducting of the review (FTA may take the lead in a certification review if they express a desire to do so). The lead agency for the certification review will be responsible for the logistics of the review. The lead agency will also be responsible for preparing and submitting to the non-lead agency a draft action letter and certification report. The non-lead agency will provide the lead agency with any comments within two weeks of receipt of the draft documents. The lead agency will finalize and send the documents to the non-lead agency for signature. The lead agency will forward the jointly signed documents to the TMA and present the findings to the respective TMA.



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2-13-04  
Date



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1-8-04  
Date